

ASSEMBLY BILL

No. 2206

Introduced by Assembly Member Hill

February 18, 2010

An act to amend Section 1527.3 of the Health and Safety Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2206, as introduced, Hill. Foster care: insurance.

Existing law establishes the Foster Family Home and Small Family Home Insurance Fund to be used, upon appropriation of the Legislature, by the State Department of Social Services to pay, on behalf of foster family homes and small family homes, as defined, claims of foster children, their parents, guardians, or guardians ad litem resulting from occurrences peculiar to the foster-care relationship and the provision of foster-care services. Existing law specifies costs for which the fund is not liable, including any loss arising out of a dishonest, fraudulent, criminal, or intentional act.

This bill would, instead, specify that the fund is not liable for any loss arising out of a dishonest, fraudulent, criminal, or intentional act of a foster parent.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1527.3 of the Health and Safety Code is
- 2 amended to read:
- 3 1527.3. The fund shall not be liable for any of the following:

- 1 (a) Any loss arising out of a dishonest, fraudulent, criminal, or
2 intentional act *of a foster parent*.
- 3 (b) Any occurrence which does not arise from the foster-care
4 relationship.
- 5 (c) Any bodily injury arising out of the operation or use of ~~any~~
6 a motor vehicle, aircraft, or watercraft owned or operated by, or
7 rented or loaned to, ~~any~~ a foster parent.
- 8 (d) Any loss arising out of licentious, immoral, or sexual
9 behavior on the part of a foster parent intended to lead to, or
10 culminating in, any sexual act.
- 11 (e) Any allegation of alienation of affection against a foster
12 parent.
- 13 (f) Any loss or damage arising out of occurrences prior to
14 October 1, 1986.
- 15 (g) Exemplary damages.
- 16 (h) Any liability of a foster parent ~~which~~ *that* is uninsured due
17 solely to the foster parent's failure to obtain insurance specified
18 in Section 676.2 of the Insurance Code. Nothing in this subdivision
19 shall be construed to expand the liability of the fund with respect
20 to insured foster parents.